



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,535	07/19/2000	Dr. Werner Groh	032745-020	2257

21839 7590 01/25/2005

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

SALVATORE, LYNDIA

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/619,535

Applicant(s)

GROH ET AL.

Examiner

Lynda M Salvatore

Art Unit

1771

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

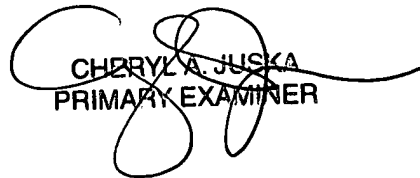
8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments regarding the obviousness rejections over Baravian et al., in view of Hiers are not found persuasive. The Examiner maintains that motivation exists to combine the cited prior art references for reasons previously set forth in the Final Office Action.

With specific regard to Applicant's argument that cited prior art figure 2 of Hiers fails to teach any synthetic fibers penetrating the side of the glass fiber facing away from the synthetic nonwoven layer, the Examiner maintains that said figure was cited as evidence that the degree of needling can varied such that all layers are penetrated. As such, when needled in the manner illustrated by Hiers in figure 2, the Examiner maintains that the synthetic fibers would inherently pass through the subsequent layers.

With regard to Applicant's argument that Baravian et al., teaches needling may be used in addition to adhesive bonding, the Examiner respectfully points out that Applicant has not precluded the use of adhesive bonding and moreover, the Examiner maintains that though Baravian et al., does not explicitly teach specific needling embodiments or the degree of needling, it would be improper to ignore the disclosure directed to needle bonding regardless if the method it is not exemplified. The fact remains that Baravian et al., teaches needle bonding as a means to join the two layers together.

With regard to Applicant's argument regarding the motivation to modify the invention of Baravian et al., by adding an additional nonwoven layer as taught by Hiers, the Examiner maintains that Baravian et al., alternatively teaches a three layer reinforcement structure though it may not be exemplified or preferred. The Examiner maintains that in light of such a teaching, motivation to modify the two layer laminate structure of Baravian et al., with the teachings of Hiers exists. Hiers teaches a three layer structure comprising a glass batt disposed between two synthetic organic textile layers. Hiers specifically teaches this three layer arrangement to avoid the health risks associated with glass fiber breakage during the needling process.


CHERYL A. JUSKA
PRIMARY EXAMINER